



RESOLUTION

APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM.

WHEREAS, the City and County of Honolulu (hereinafter "City") quitclaimed unto the State of Hawaii, all of its rights, title and interest in and to the real property consisting of 41.417 acres of land, by way of quitclaim deed dated November 30, 1970; and

WHEREAS, said real property, being portions of Tax Map Key Nos. 9-9-003:55 and 61, and further described in Exhibit A, which is attached hereto and by reference made a part hereof; and

WHEREAS, the quitclaim deed was subject to restrictions that the real property, together with all appurtenant facilities and improvements, be used and maintained as and for "a public stadium project", now known as the Aloha Stadium; and

WHEREAS, the quitclaim deed further restricted the disposal of any interest in the real property except in furtherance of said purpose; and

WHEREAS, the quitclaim deed provided that, in the event of any breach of said foregoing covenants, all right, title and interest in the real property, including any improvements, shall revert to and become the property of the City; and

WHEREAS, a rail transit station is planned at the Aloha Stadium lands as part of the City's rail transit project, and the Department of Planning and Permitting (hereinafter "DPP") has been working with the Stadium Authority and the community and identified the area as having real potential for new land uses and community amenities; and

WHEREAS, DPP is presently working with the Stadium Authority to prepare a Neighborhood Transit-Oriented Development Plan to facilitate redevelopment of lands in the vicinity of Aloha Stadium to create a more dynamic experience for residents, visitors, and area employees to include a dense mix of uses that support the community; and

WHEREAS, redevelopment of the area could require using lands at Aloha Stadium for uses such as residential and commercial uses to maximize the benefits of transit-oriented development for the people; and

WHEREAS, the State of Hawaii has indicated its desire to have the restrictive covenants from said real property removed; and

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RESOLUTION

WHEREAS, by Resolution No. 16-69, CD1, dated April 20, 2016, the Council of the City and County of Honolulu supports the removal of the restrictive covenants limiting the use of the Aloha Stadium lands, as set forth in said quitclaim deed dated November 30, 1970; and

WHEREAS, the Mayor, with concurrence of the Corporation Counsel, has recommended to the Council to remove the restrictive covenants as set forth in the quitclaim deed dated November 30, 2016; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby acknowledges and approves the removal of the restrictive covenants limiting the use of said real property at Aloha Stadium, as set forth in the quitclaim deed dated November 30, 1970; and

BE IT FURTHER RESOLVED that the Mayor, or the Mayor's designee, is hereby authorized to sign the Release of Deed Restrictions and other necessary documents; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 16-271

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor Kirk Caldwell, Mr. Nelson H. Koyanagi, Jr., Director of Budget and Fiscal Services, Mr. Charles Toguchi, Chair of the Stadium Authority, and Mr. Scott Chan, Aloha Stadium Manager.

INTRODUCED BY:



(br)

DATE OF INTRODUCTION:

OCT 11 2016

Honolulu, Hawaii

Councilmembers

The attached instrument is a true copy of DOC NO 534396 received
for registration in this office, APR 20 1971 at 12:45 o'clock P M, and
noted on Certificate (S) of Title Number (S) _____
and from which Certificate (S) of Title Number (S) 140099 has (have) been issued.

And also recorded in the Bureau of Conveyances in
Libar 7899 Page 254

Attest:

Richard M. Lee
Assistant Registrar, Land Court
State of Hawaii

EXHIBIT "A"

RECORDATION REQUESTED BY:

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

AFTER RECORDATION, RETURN TO:

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

RETURN BY: MAIL () PICKUP (X)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, the principal place of business and post office address of which is Honolulu Hale, Honolulu, Hawaii, hereinafter called the "GRANTOR," for and in consideration of the sum of ONE DOLLAR (\$1.00) to it paid by the STATE OF HAWAII, hereinafter called the "GRANTEE," the receipt of which is hereby acknowledged, does hereby release, remise and quitclaim unto the Grantee, all of its right, title and interest in and to the real property consisting of 41.417 acres and described in Exhibit A attached hereto and by reference incorporated herein and made a part hereof.

TO HAVE AND TO HOLD the said premises for a public stadium project in accordance with Act 172, S.L.H. 1970, together with all appurtenant facilities and improvements for service and concession facilities unto the Grantee, its successors and assigns forever, subject to the covenants herein contained.

The Grantee does by the acceptance of this deed covenant and agree for itself, its successors and assigns forever as follows:

(1) The premises shall be used and maintained as and for the public purpose aforesaid.

(2) Grantee shall not in any way dispose of any interest in the premises except in the furtherance of the aforesaid purposes.

In the event of any breach of the foregoing covenants, all right, title and interest in and to the premises including any improvements thereon shall revert to and become the property of the Grantor, and in such event the Grantor shall have the immediate right of entry upon said premises.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 30th day of November, 1970.

APPROVED AS TO FORM AND
LEGALITY:


Deputy Corporation Counsel

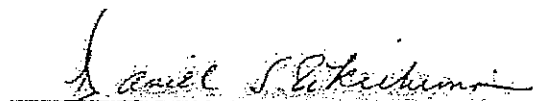
CITY AND COUNTY OF HONOLULU

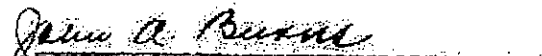

FRANK F. FASI, Mayor

GRANTOR

APPROVED AS TO FORM:

STATE OF HAWAII


Deputy Attorney General


JOHN A. BURNS, Governor

GRANTEE

PROPOSED MUNICIPAL STADIUM SITE

Being portions of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekumanoa and Kamaikui; R. P. 765, L. C. Aw. 9332, Apana 2 to Kahana; and R. P. 759, L. C. Aw. 2047 to Kekio; and all of R. P. 761, L. C. Aw. 2139 to Kimitau; R. P. 769, L. C. Aw. 1996 to Naea; R. P. 765, L. C. Aw. 9332, Apana 1 to Kahana; R. P. 759, L. C. Aw. 2047, Apana 1 to Kekio; and R. P. 766, L. C. Aw. 2156, Apana 3 to Opunui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the Northwesterly corner of this parcel of land, on the East side of Salt Lake Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,918.72 feet North and 7,849.31 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, and running by azimuths measured clockwise from true South:

1.	219°	42'		4.31 feet	along remainder of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekumanoa and Kamaikui along Quitclaim Deed: United States of America to the City and County of Honolulu dated June 30, 1967 and recorded in Liber 5886, Pages 38-50;
2.	249°	09'		77.50 feet	along same;
3.	259°	06'	30"	110.90 feet	along same;
4.	256°	08'		117.15 feet	along same;
5.	242°	17'		186.20 feet	along same;
6.	255°	40'		201.10 feet	along same;
7.	262°	43'		115.80 feet	along same;
8.	246°	23'		99.50 feet	along same;
9.	259°	49'		188.00 feet	along same;
10.	258°	52'		197.40 feet	along same;
11.	277°	48'		34.79 feet	along same;
12.	3°	21'	35"	261.52 feet	along the proposed West side of the Interstate Highway (Federal Aid Project No. I-H1-1(41)) along remainder of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekumanoa and Kamaikui;
13.	351°	05'		62.62 feet	along the proposed West side of Interstate Highway (Federal Aid Project No. I-H1-1(41)) along R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekumanoa and Kamaikui;
14.	3°	20'	52"	457.22 feet	along the proposed West side of Interstate Highway (Federal Aid Project No. I-H1-1(41)) along remainders of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekumanoa and Kamaikui, R. P. 765, L. C. Aw. 9332, Apana 2 to Kahana and R. P. 759, L. C. Aw. 2047, Apana 2 to Kekio;

INCLOSURE BEARING LOT 1/2-A-1
(Map 106) and Lot 51-B-1-B
(Map 94) of Land Court Applica-
tion 966, down the middle of
Halawa Stream for next six (6)
courses, the direct azimuths
and distances between points
on said middle of stream being:

15.	84°	25'	278.86 feet;	
16.	39°	35'	210.00 feet;	
17.	54°	00'	230.00 feet;	
18.	359°	35'	130.00 feet;	
19.	34°	30'	332.00 feet;	
20.	357°	25'	143.70 feet;	
21.	160°	27'	338.53 feet	along the East side of Salt Lake Boulevard;
22.	250°	27'	50.00 feet	along remainders of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanana and Kamaikui and R. P. 766, L. C. Aw. 2156, Apama 3 to Opunui;
23.	160°	27'	50.00 feet	along same;
24.	70°	27'	50.00 feet	along remainder of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanana and Kamaikui;
25.	160°	27'	1,005.02 feet	along the East side of Salt Lake Boulevard to the point of beginning and containing an area of 24.541 acres.

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress and egress, into and from the proposed Interstate Highway (Federal Aid Project No. I-HI-1(41)) over and across Courses 12, 13 and 14 of the above described parcel of land.

SUBJECT, ALSO, to the following easements:

Easement (5 feet wide) for U. S. Signal Corps Under-ground Communication Cable Line in favor of the United States of America and recorded in the Conveyances Division in Liber 1581, Pages 385-392.

Easement (10 feet wide) for 24-inch water main in favor of the United States Navy.


Easement S-4 for sanitary sewer in favor of the City and County of Honolulu.

Easement (10 feet wide) for gravity sewer in favor of the City and County of Honolulu.

Easement (15 feet wide) for gravity sewer in favor of the City and County of Honolulu.

Easement (10 feet wide) for Sewer Force Main in favor of the City and County of Honolulu.

Easement for pipeline purposes in favor of Standard Oil Company of California.



Described, Compared
and Checked
Division of Land Survey
and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being all of Lots 2-1, 2-2, 2-3 and 2-4 of the subdivision of Lot 2 of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896). Being also a portion of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekuanaka and Kamaikui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the East corner of this parcel of land, being also the common corner of lots 8 and 2 of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896), and on the Southwest side of Salt Lake Boulevard, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|------|-----|-------------|---|
| 1. | 94° | 12' | 192.45 feet | along Lots 8 thru 11, of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896); |
| 2. | 238° | 35' | 27.58 feet | along remainder of R. P. 6717, L. C. Aws. 7712 and 8516-B to M. Kekuanaka and Kamaikui; |
| 3. | 193° | 31' | 174.60 feet | along same; |
| 4. | 185° | 03' | 129.64 feet | along same; |
| 5. | 340° | 27' | 347.35 feet | along the Southwest side of Salt Lake Boulevard to the point of beginning and containing an area of 25,797 square feet or 0.592 acre. |


Described, Compared
and Checked
Division of Land Survey
and Acquisition


PROPOSED MUNICIPAL STADIUM SITE

Being a portion of Exclusion No. 12 (Map 1) of Land Court Application 966. Being also a portion of R. P. 766, L. C. Aw. 2156, Apana 2 to Opunui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,154.00 feet North and 6,740.29 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, thence running by azimuths measured clockwise from true South:

1. 251° 30' 125.28 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
2. 30° 20' 52" 58.31 feet along the proposed Westerly side of Interstate Highway (Federal Aid Project No. I-H1-1(41)), along remainder of R. P. 766, L. C. Aw. 2156, Apana 2 to Opunui;
3. 1° 55' 45" 108.78 feet along same;
4. 102° 40' 57.75 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
5. 154° 11' 127.20 feet along same to the point of beginning and containing an area of 12,572 square feet or 0.289 acre.

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress and egress, into and from the proposed Interstate Highway (Federal Aid Project No. I-H1-1(41)) over and across Courses 2 and 3 of the above described parcel of land.



Description Compared
and Checked
Division of Land Survey
and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being all of Exclusion No. 13 (Map 1) of Land Court Application 966. Being also the whole of R. P. 766, L. C. Aw. 2156, Apana 1 to Opunui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,136.24 feet North and 6,798.96 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, thence running by azimuths measured clockwise from true South:

1. 341° 30' 87.10 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
2. 61° 20' 90.40 feet along same;
3. 148° 58' 89.60 feet along same;
4. 243° 20' 109.60 feet along same to the point of beginning and containing an area of 0.20 acre.


Description Compared
and Checked
Division of Land Survey
and Acquisition

PART III


PROPOSED MUNICIPAL STADIUM SITE

Being Lot 179-A-1-B, area 15.795 acres, as shown on Map 107, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application 966 of Bruce Cartwright, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased, and being all the land described in Transfer Certificate of Title No. 139750 issued to the City and County of Honolulu.

Situate at Halawa, Ewa, Oahu, Hawaii.

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress or egress, into and from Interstate Highway (FAP No. I-HI-1(41)) over and across the common boundaries of Lots 179-A-1-A and 179-A-1-B shown thusly ⊙ ⊙ ⊙ and noted "no access permitted" on said Map 107.

CGP:dns
10/30/70


Description Compared
and Checked
Division of Land Survey
and Acquisition

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

Return to: Dept. of Land and
Natural Resources
Land Management Division

DEED 25627

3